

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

# TODD ROY GIBBONS,

Plaintiff,

V.

COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION, et al.,

## Defendants.

CASE NO. C15-5444 BHS

**ORDER DENYING PLAINTIFF'S  
MOTION**

This matter comes before the Court on Plaintiff Todd Ray Gibbons's ("Gibbons") motion to withdraw complaint (Dkt. 5).

On June 25, 2015, Gibbons filed a motion to proceed *in forma pauperis* and the proposed complaint. In his complaint, Gibbons cites a previous case filed in this district (*Gibbons v. Honorable Bob Ferguso, et al.*, Cause No. 13-5189-BHS) and seeks to consolidate three closed cases: *Elkins, et al. v. Dreyfus*, Cause No. 10-1366 (W.D. Wash.), *Bennett v. Astrue*, Cause No. 11-5224 (W.D. Wash.), and *Gibbons v. McKenna*, Cause No. 12-5793 (W.D. Wash.). Dkt. 1, Exh. 1. Although Gibbons claims that he was

1 improperly denied government benefits, he concedes in his complaint that all of his  
2 claims have been adjudicated. *Id.* In this new case, he seeks to reopen those cases and  
3 relitigate his claims. *Id.*

4 On July 16, 2015, the Court denied Gibbons's motion and dismissed his  
5 complaint. Dkt. 5. On July 31, 2015, Gibbons filed the instant motion requesting that the  
6 Court withdraw his complaint and proceed with a separate consolidated action. Dkt. 5.

7 The Court is unaware of and Gibbons fails to cite any authority for withdrawing a  
8 complaint. Moreover, the Court has dismissed the complaint and Gibbons has not been  
9 charged a filing fee. Thus, the substance of the complaint is moot.

10 With regard to proceeding with or reopening a separate action, Gibbons must file  
11 the appropriate motion in the appropriate case. Therefore, Gibbons's motion is  
12 **DENIED.**

13 **IT IS SO ORDERED.**

14 Dated this 17th day of August, 2015.

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BENJAMIN H. SETTLE  
United States District Judge